



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Board of County Commissioners**

Tuesday, December 6, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA  
Commission Auditor

111 NW First Street, Suite 1030  
Miami, Florida 33128  
305-375-4354

**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Analysis**

**Board of County Commissioners  
Meeting Agenda**

**Tuesday, December 5, 2005**

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

7(B)	7(D)
7(F)	8(E)(1)(B) & 12(B)(3)
8(G)(1)(A), (B),(C) &(D)	9(J)(1)(A)
11(A)(18)	11(A)(19)
13(A)(2)	

Additional information items:

7(A)	7(G)
8(R)(1)	

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:

Guillermo Cuadra, Esq., Chief Legislative Analyst  
Tim Gomez, Senior Legislative Analyst  
Troy Wallace, JD, Legislative Analyst  
Elizabeth Owens, Legislative Analyst  
Jason T. Smith, Legislative Analyst  
Douglas Pile, Esq.

## **LEGISLATIVE ANALYSIS**

*ORDINANCE RELATING TO ELECTION CAMPAIGN FINANCING; REPEALING SECTION 2-11.1.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO LIMITATION ON CONTRIBUTIONS AND EXPENDITURES AND SECTION 12-5 PROHIBITING CONTRIBUTIONS OR EXPENDITURES BY NATIONAL OR STATE BANKS, CORPORATIONS OR UNINCORPORATED ASSOCIATIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

Commissioner Sally A. Heyman

### **I. SUMMARY**

- This ordinance repeals the \$250 limit on contributions and expenditures for candidate campaigns for Miami-Dade Mayor, County Commission, and Community Council.
- It repeals the prohibition on contributions and expenditures by banks, corporations, or unincorporated associations.
- It provides that Florida law will apply to contributions and expenditures for Miami-Dade campaigns.
  - Florida law provides for a \$500 limit on campaign contributions and expenditures, with no prohibition on contributions and expenditures by banks, corporations, or unincorporated associations.

### **II. PRESENT SITUATION**

Section 2-11.1.3 of the Code defines contributions and expenditures in accordance with Florida law. It is unlawful to make a contribution or expenditure over \$250, directly or indirectly, or through a Political Action Committee (PAC), to any candidate for Miami-Dade Mayor, County Commission, and Community Council.

Section 2-5 prohibits contributions and expenditures by banks, corporations, or unincorporated associations for candidate campaigns for Miami-Dade Mayor, County Commission, and Community Council. This section clarifies the impact of the prohibition on banks and other corporate entities.

Penalties for violations of either section of the Code include a fine up to \$5000 or imprisonment up to 364 days, or both.

Florida law provides for a \$500 limit on campaign contributions and expenditures, with no prohibition on contributions and expenditures by banks, corporations, or unincorporated associations.

Under Florida law penalties for violations include a fine up to \$1000 per count and imprisonment for up to one year.

### **III. POLICY CHANGE AND IMPLICATION**

This ordinance repeals the \$250 limit on contributions and expenditures for candidate campaigns for Miami-Dade Mayor, County Commission, and Community Council, which was adopted in 2000. Florida law will instead apply, which provides for a \$500 limit on campaign contributions and expenditures.

It repeals the prohibition on contributions and expenditures by banks, corporations, or unincorporated associations, which was adopted in 1998. Florida law will apply, which provides no prohibition on contributions and expenditures by banks, corporations, or unincorporated associations.

Penalties for violations will shift from fines up to \$5000 to fines up to only \$1000 per count, but the time of imprisonment will remain virtually the same – from up to 364 days to up to one year.

### **IV. ECONOMIC IMPACT**

None.

### **V. COMMENTS AND QUESTIONS**

Opponents of contribution limits claim that lowering the cap on contributions or prohibiting contributions from certain entities does not reduce the amount of money needed in a campaign, or reduce the corrupting influence of fundraising. The lower caps and prohibitions on certain entities make it more time-consuming to raise money from the same possible contributors.

Raising the cap on contributions and eliminating the prohibition on contributions from certain entities will make it easier for candidates to raise money. Incumbents traditionally have the advantage over challengers in campaign fundraising, and there is a concern that this proposal will further extend that advantage.

Note that the repealed sections include candidates for the office of Mayor, County Commissioners, Community Councils, and the Fire and Rescue Services District Board. The Fire and Rescue Services District Board was abolished in 2002; therefore, the proposed Ordinance does not make reference to it.

## **LEGISLATIVE ANALYSIS**

*ORDINANCE RELATING TO ELECTION CAMPAIGN FINANCING TRUST FUND; AMENDING SECTION 12-22 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, RELATING TO DEFINITIONS, ELIGIBILITY REQUIREMENTS, DISTRIBUTION OF FUNDS, TRIGGER REPORTING, USE OF FUNDS, EXPENDITURE CEILINGS, ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

Community Outreach, Safety and Healthcare Administration Committee

### **I. SUMMARY**

This Ordinance amends Section 12-22 of the Miami-Dade County Code relating to the voter-approved Election Campaign Financing Trust Fund.

### **II. PRESENT SITUATION**

The Election Campaign Financing Trust Fund (“Fund”) was approved by voters on November 7, 2000, as an effort to take special interest out of the election process and allow more people to run for office by giving eligible candidates public funds to assist them in their campaigns for County Mayor and County Commissioner.

In light of the recent media attention focused on questionable abuse of the Fund (see attachments), the Board of County Commissioners has introduced numerous versions of legislation modifying the Fund. This Ordinance is the product of several workshop meetings held in order to compose a comprehensive item that incorporates many of the previous versions.

### **III. POLICY CHANGE AND IMPLICATION**

The Ordinance offers the following modifications to the code:

- Amending the deadline for applying for public finances;
- Candidates for the Board of County Commissioners shall need 300 separate contributions from qualifying contributors between \$100.00 and \$500.00 totaling at least \$30,000.00;
  - Present Code requires 200 separate contributions between \$15.00 and \$250.00 totaling at least \$15,000.00.
- Candidates for Mayor shall need 1,500 separate contributions from qualifying contributors between \$100.00 and \$500.00;
  - Present Code requires 1000 separate contributions between \$15.00 and \$250.00.
- A “qualifying contributor” is a Miami-Dade County registered voter residing in the Commission district which the candidate is seeking to represent **or** a bank, corporation or unincorporated association with a place of business in the district;

**BCC ITEM 7(D)**  
**December 6, 2005**

- Each individual contributor shall fill out a contributor's statement on forms provided by the Supervisor of Elections containing full name, date of birth and voter registration number;
- Corporate contributors shall include the name of the business entity, the place of business and full name and title of the person executing the business check;
- Money Orders are no longer allowed as form of payment for contributions;
- BCC candidate's maximum number of qualifying contributions is 360;
- Mayoral candidate's maximum number of qualifying contributions is 1,800;
- In order to qualify for the public funds, the candidate and the campaign treasurer must attend a seminar conducted by the Ethics Commission regarding state and local campaign financing laws;
- The Inspector General shall perform an independent investigation, submitted to the Supervisor of Elections, certifying the candidate's eligibility to apply for funds;
- All funds received by a candidate from the Fund shall be deposited into a sub-account, with separate checks, in the candidate's primary campaign depository as defined in §06.021, Florida Statutes.

**IV. ECONOMIC IMPACT**

Economic impacts, positive and/or negative, cannot be determined at this time.

**V. COMMENTS AND QUESTIONS**

If enacted, this Ordinance would raise the threshold for candidates running for public office. The question remains as to the potential effects such policy changes would have on the pool of candidates? Are there additional impacts not considered?

**Item 7C**, also on the December 6, 2005 BCC agenda, would impose a moratorium on the distribution of funds from the Election Campaign Financing Trust Fund until voters approve a specified ballot question asking voters whether they support the ordinance creating the Fund.

- If Item 7C is adopted, the moratorium would end when the electorate approves a ballot question determining support for the ordinance creating the Fund. According to staff, the cost to conduct a special election is approximately \$2.4 million in unbudgeted expenditures.
- There is no cost to impose a moratorium; however, staff has concluded that there would be a savings of up to \$1.2 million in campaign financing trust fund expenditures if the moratorium is adopted.

Both **Items 7C and 7D** can be adopted simultaneously. If so, the Code would be amended to reflect the policy changes in Item 7D; however, the moratorium, Item 7C, would prevent the actual implementation of those changes until the ballot question is resolved.



Paper: Miami Herald, The (FL)  
Title: BRAVO STEPS DOWN FROM COUNCIL  
Date: July 16, 2005

She was among a trio of women in their 20s who sought to remake City Hall in Hialeah, but on Friday, Councilwoman Vanessa Bravo stepped down from her seat under pressure from state prosecutors, barely two years after her surprise victory.

Bravo, 30, resigned after accepting a plea agreement to a misdemeanor charge of making a **campaign** contribution in the name of another person. She had raised money last year for a losing Miami-Dade County Commission candidate.

She pleaded no contest to the single charge on Friday morning. The amount involved: \$120.

As part of the plea deal, Bravo had to immediately resign her council seat. She also must serve one year of probation, cannot run for elected office during that same year and must repay investigative costs.

Bravo, an attorney, gets to keep her law license, however.

In an interview with The Herald on Friday, Bravo said she had almost no choice but to accept the plea.

"I had to contemplate putting up a \$250,000 defense, being removed from the council and running the risk of a possible suspension of my [law] license. I wasn't going to put myself or my family - or Hialeah - through that type of ordeal," she said.

The charge against Bravo was based on contributions she made to Jorge Roque, who lost to County Commissioner Natacha Seijas last year. She purchased six money orders, filled them out in the names of her friends and their relatives, and submitted them to the Roque **campaign**.

Bravo's attorney, Michael Pizzi, downplayed the significance of the charge, calling the violations "technical" rather than criminal.

Bravo, he said, filled out the money orders - each worth \$20 - on behalf of friends and their family. She did so with their permission, Pizzi said.

"In a county where special interests raise millions, Vanessa made a \$120 contribution in the name of friends who voluntarily agreed to contribute. She never benefited personally, and she never breached the public trust," Pizzi said. "I think the resolution that was reached demonstrates that the state attorney's office does not view her conduct as particularly egregious."

Inspector General Christopher Mazzella argued that Bravo's actions were deceptive because she sought to help Roque qualify for public matching funds.

Under **campaign** finance rules, the county awards County Commission candidates up to \$75,000 if they show they have raised \$25,000 from at least 200 registered voters.

"We're disappointed at the manner in which the **campaign** trust fund monies were abused," Mazzella said.

Bravo's role in Roque's **campaign** was only one aspect of the state's investigation. Prosecutors and the county Inspector General's Office have also been investigating loans Bravo and the other two women candidates received from a developer during the 2003 Hialeah council **election**.

Just a week before the **election**, Bravo, Cindy Miel, a teacher, and Adriana Narvaez, a graduate student, received \$20,000 each from developer Ceferino Machado. The money was not claimed as **campaign** contributions and was instead couched as personal loans, although the money was intended to be used for the **campaign**, prosecutors said.

Prosecutors on Friday filed a complaint about the loans with the Florida **Elections** Commission.

Bravo defended herself against the complaint, saying she reported the loan and that she "paid back my loan in full, with interest".

Proving a criminal case would be difficult, prosecutors said, because the three candidates were acting on the advice of a lawyer when they filled out their **campaign** finance forms, making it hard to prove they were acting with criminal intent.

Assistant State Attorney Joe Centorino, head of the state attorney's public corruption unit, said his office is still investigating other allegations of manipulation of the county's public **financing** system. And Bravo may be asked to testify as a witness against others.

"That investigation is still ongoing," he said. "There will be more charges coming."

Bravo's resignation, meanwhile, further weakens an opposition struggling to stay relevant on a council mostly aligned with Mayor Raul Martinez. Despite some minor victories, Bravo - and fellow opposition council members Miel and Roberto Casas - failed to have much influence with others on the seven-member council.

It could also give Martinez supporters ammunition for the upcoming mayoral and council elections.

Martinez, Bravo's harshest critic from the dais, said he's not taking pleasure from the demise of the councilwoman he "loved to debate."

"I'm sorry for her, even though she might not think so," Martinez said. "She was like a bitter enemy, but I feel sorry for her."

The council will nominate someone to fill Bravo's seat until the City Council election this fall, he said.

In an ironic political twist, Roque - the losing candidate whose campaign cost Bravo a political career - is running for a seat on the Hialeah council.

This time, said Bravo, she will support his opponent.

Herald.com: For CBS4 video on the plea, click on today's extras

[ILLUSTRATIONS=] color photo: Vanessa Bravo (a)

Copyright (c) 2005 The Miami Herald

Author: REBECCA DELLAGLORIA AND SCOTT HIAASEN, [rdellagloria@herald.com](mailto:rdellagloria@herald.com)  
 Section: Metro & State  
 Page: 1B  
 Copyright (c) 2005 The Miami Herald





Paper: Miami Herald, The (FL)  
Title: CANDIDATE'S SPENDING UNDER SCRUTINY  
Date: September 27, 2005

Erstwhile mayoral candidate and Hooligan's pub owner Jay Love has come under scrutiny from the Miami-Dade County Commission on Ethics and Public Trust - which says the restaurateur failed to account properly for the \$300,000 in public money he used to fuel his failed **campaign**.

Love disagrees - and could be gearing up for a legal fight.

"This is an unfair blindside," said Love attorney Ben Kuehne, who said his client may ask the courts for an injunction barring the ethics commission from entering the audit in the public record.

The ethics audit, released Friday, states that auditors were hampered in their ability to scrutinize the Love **campaign** - stating that the candidate failed to provide supporting documents for more than 80 percent of **campaign** expenses leading to the mayoral primaries in August 2004.

Love, a Coconut Grove fixture who twice lost a bid for mayor, finished a distant sixth in the crowded primary, failing to sway voters with his main **campaign** promises: trimming county spending by 20 percent and trading the mayor's County Hall offices for a roving Winnebago.

He also served as his own **campaign** treasurer - a set-up that is ill-advised, said Robert Meyers, executive director of the ethics commission.

'SLOPPY'

"It's sloppy," said Meyers of Love's record keeping. "You need to run an organized **campaign**, especially if you're going to accept public money."

The county's public **campaign** laws, designed to level the playing political playing field and encourage a broad base of candidates to run for office, allow mayoral candidates to receive \$300,000 for the primary race.

Love was able to provide receipts for only \$76,000, which could run afoul of state **elections** laws, according to the commission's audit.

Ethics auditors also noted other possible violations of state law by the Love **campaign**. The audit said a consultant firm hired by Love paid **campaign** and poll workers in cash, and that the **campaign** used a third party to buy media ads with **campaign** dollars.

Love's attorney said the commission has overstepped its bounds - and questioned whether the ethics auditors are qualified to evaluate state law

"This tarnishes his reputation in ways that are just unfair and unauthorized," said Kuehne, who said the commission should have restricted its findings to whether Love adhered to county rules. He said county rules do not require receipts for expenditures, and that Love's canceled checks and **campaign** reports should be sufficient.

EXTENT OF LAW

But Meyers said auditors were within their powers to examine Love under state law.

The county code outlining the requirements for candidates accepting public funds says that they have to adhere to both Miami-Dade and Florida **elections** rules - hence the audit's scope.

Candidates who seek public funding should expect "to be held to a much higher standard," he said.

"The County Commission has made it clear that if you're taking taxpayer money, you have to account for every last penny," he said. "We only have a small sample. That's the problem."

Meyers said the audit does not attribute any wrongdoing to Love. The commission's inhouse attorney has the discretion to forward any ethics commission findings to state **elections** authorities or law enforcement.

Meyers declined to elaborate on any further action involving the Love **campaign** audit.

He did say that his office would "vigorously fight" any court challenge from Love seeking to remove the audit from the public record.

As to questions of the auditors' competency, Meyers said: "Our auditors are extremely well qualified. There's no need to really respond to that."

All of the candidates who qualified for public **financing** go through an audit by the ethics commission. This **election** cycle, an unprecedented 12 candidates competing in the races for mayor and two commission seats qualified for roughly of \$2.5 million in public funds.

Two of those candidates now sit in office: Commissioner Barbara Jordan and Mayor Carlos Alvarez, whose darkhorse candidacy was considerably boosted by public **campaign** dollars.

But last year's races were also marred by allegations of public finance fraud.

Three people, including one county commission candidate, were eventually charged with breaking rules or committing fraud to garner public dollars.

The scandals have prompted county commissioners to suggest a raft of remedies- from striking out public **campaign** finance altogether to tweaking the existing laws to help ensure greater accountability.

Kuehne said the audit unfairly places Love in the company of alleged criminals.

"He's a clean candidate. They should have given him an A plus."

Copyright (c) 2005 The Miami Herald

Author: TERE FIGUERAS NEGRETE, [tfigueras@herald.com](mailto:tfigueras@herald.com)

Section: Metro & State

Page: 1B

Copyright (c) 2005 The Miami Herald



Paper: Miami Herald, The (FL)  
Title: ROQUE CHARGED IN CAMPAIGN SCAM  
Date: September 28, 2005

Hialeah City Council candidate Jorge Roque turned himself in to Miami-Dade authorities on Tuesday after they charged him with breaking campaign finance laws in his failed bid last year to win a seat on the Miami-Dade county commission.

Authorities say Roque illegally filled his 2004 campaign coffers with public dollars by reimbursing his sister-in-law's co-workers for making contributions to him. He did so, investigators say, to qualify for up to \$75,000 in public funds.

Under campaign financing rules, commission candidates can receive up to \$75,000 if they show a minimum number of private donors and raise at least \$15,000.

Roque also told donors to lie to investigators and prosecutors about the bogus contributions, authorities said.

Roque's attorney, Bruce Lehr said his client is innocent.

"He categorically denies all the charges and is sure that once a jury hears him he will be acquitted of everything," said Lehr, who said Roque has no plans to withdraw from the November Hialeah election.

Roque faces six felony counts. Charges include grand theft, accepting a donation in another person's name and solicitation to commit perjury.

He is the fourth person charged in the alleged scheme to raise more money for his campaign. The others: His sister-in-law, Rita Picazo, former Hialeah councilwoman Vanessa Bravo and Hialeah mayoral candidate Nilo Juri. Each was charged with providing indirect contributions to Roque's campaign in the names of friends and family.

"They all worked together," said Miami-Dade Inspector General Chris Mazzella, whose office is in charge of the investigation. He said more arrests are expected.

Picazo received probation, court records show. Bravo resigned her seat on the Hialeah City Council in July as part of a plea agreement with prosecutors. Juri is awaiting trial.

Other authorities joining the investigation: The State Attorney's Office and the Florida Department of Law Enforcement.

The allegations raised in Roque's case along with similar charges brought earlier this year against another commission candidate- Juan Miguel Alfonso - have once again prompted Miami-Dade commissioners to consider toughening the five-year law.

"The whole issue of public finance has opened the door to fraud," said Commissioner Bruno Barreiro, who tipped off authorities about Alfonso last year after he noticed names of longtime supporters listed as donors to his opponent.

Alfonso was sentenced to three years' probation last May for forging the names of voters on \$15 money orders last year to make them look like campaign contributions.

But public campaign finance supporters caution against dumping a voter-approved policy in the wake of the latest arrests, arguing that the funds allow lesser known candidates to challenge incumbents and political insiders.

"You can't throw the baby out with the bathwater," said Commissioner Barbara Jordan, who used public campaign dollars to propel her first-time candidacy last year. "You need to see the gaps and fix things first."

The law was created in 2000, when 58 percent of Miami-Dade voters supported it. Last year, a dozen candidates- including Mayor Carlos Alvarez - qualified for an unprecedented \$2.5 million in public funds.

Under the law, the elections department is only required to tabulate donations and verify that donors are registered voters before sending money to candidates.

Mazzella said candidates must be scrutinized long before they get public funds.

“[Roque’s] case clearly highlights weaknesses in the current oversight of the **campaign trust fund**,” he said. His office has made a series of recommendations to the county commission - including an independent review of the candidate’s public finance qualifications.

“This could have been prevented if there had been oversight at the front end. No doubt about it,” he said.

Copyright (c) 2005 The Miami Herald

*Author: TERE FIGUERAS NEGRETE AND REBECCA DELLAGLORIA, [rdellagloria@herald.com](mailto:rdellagloria@herald.com)*

*Section: Metro & State*

*Page: 3B*

*Copyright (c) 2005 The Miami Herald*

## **LEGISLATIVE ANALYSIS**

### *ORDINANCE RELATING TO MAIL BALLOT ELECTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

*County Attorney*

#### **I. SUMMARY**

The proposed Ordinance clarifies the method and modifies the procedure for conducting elections for incorporation, annexation, or special taxing districts.

#### **II. PRESENT SITUATION**

Although the Code does not state that the only form of conducting an election for incorporation, annexation or special taxing districts is by mail ballots, the present wording of the Code may erroneously be interpreted to mean that mail ballot elections are the sole method.

Currently, §12-13 of the Code states that mail ballot elections must be received by the Supervisor of Elections by 5pm, on the day of election. Annexations and special taxing districts tend to be conducted by mail ballots whereas incorporations tend to be at precincts with absentee ballots mailed out.

#### **III. POLICY CHANGE AND IMPLICATIONS**

This Ordinance would clarify the policy of conducting elections for annexation, incorporation, or special taxing districts by including language specifying that touch screens, optical scanning devices, or any other voting procedures authorized by law can also be utilized along with mail ballots to conduct such elections.

This Ordinance also modifies the mail ballot procedures by allowing for mail ballots to be received by the Supervisor of Elections by 7pm on the day of election.

#### **IV. ECONOMIC IMPACT**

According to staff, the recent costs of incorporation and annexation elections have ranged between \$5,000 and \$40,000 depending on the method.

The expense incurred for mail ballot elections is limited to the cost of printing and postage multiplied by the number of registered voters; therefore, they tend to be minimal compared to touch screens which require the staffing and preparation of polling sites.

#### **V. COMMENTS AND QUESTIONS**

Attached are invoices from recent elections. Please note that the City of Miami Gardens tends to be higher due to the larger number of registered voters.

Miami-Dade County Elections Department  
111 NW 1st Street, Suite 1910  
Miami, Florida 33128

Invoice No. DO-062403

**INVOICE****Customer**

Name City of Doral  
Address \_\_\_\_\_  
City \_\_\_\_\_ State FL ZIP \_\_\_\_\_  
Contact \_\_\_\_\_

**Misc**

Date 9/25/2003  
Order No. \_\_\_\_\_  
Rep \_\_\_\_\_  
FOB \_\_\_\_\_

Qty	Description	Unit Price	TOTAL
	Charter Question 06/24/2003		
1	Trucks	\$ 147.85	\$ 147.85
1	Absentee/Provisional Ballot Printing Charges	\$ 312.23	\$ 312.23
163	Absentee Ballot Postage Charges	\$ 0.60	\$ 97.80
3	Precinct Supplies	\$ 25.00	\$ 75.00
1	Ballot Creation/Tabulation	\$ 1,100.00	\$ 1,100.00
1	Labor/Overtime (Election preparation/Election Day)	\$ 4,816.43	\$ 4,816.43
1	Ballot Translation Services	\$ -	\$ -
1	Labor/Overtime (Absentee Ballots)	\$ 74.38	\$ 74.38
1	Technical Support (Level 3)	\$ 495.00	\$ 495.00
1	Poll Worker Payroll	\$ 3,969.60	\$ 3,969.60
1	Legal Ads and Public Notices	\$ 11,459.27	\$ 11,459.27
1	Polling Location Rental	\$ 150.00	\$ 150.00
		\$ 1,020.00	\$ -
		SubTotal	\$ 22,497.56
		Shipping	
		TOTAL	\$ 22,497.56

Payment Check

Tax Rate(s)

Comments Please return payment to:

Attention: Jimmy Camenate, CPA  
Asst Director, Administration



Please make checks payable to: Dade County Board of County Commissioners

Miami-Dade County Elections Department  
111 NW 1st Street, Suite 1910  
Miami, Florida 33128

Invoice No. DO-072203

# INVOICE

## Customer

Name City of Doral  
Address  
City State FL ZIP  
Contact

## Misc

Date 9/25/2003  
Order No.  
Rep  
FOB

Qty	Description	Unit Price	TOTAL
	Municipal Elections 07/22/03		
1	Trucks	\$ 209.53	\$ 209.53
1	Absentee/Provisional Ballot Printing Charges	\$ 102.00	\$ 102.00
494	Absentee Ballot Postage Charges	\$ 0.60	\$ 295.40
3	Precinct Supplies	\$ 25.00	\$ 75.00
1	Ballot Creation/Tabulation	\$ 1,100.00	\$ 1,100.00
1	Labor/Overtime (Election preparation/Election Day)	\$ 9,213.55	\$ 9,213.55
1	Ballot Translation Services	\$ -	\$ -
1	Labor/Overtime (Absentee Ballots)	\$ 104.22	\$ 104.22
1	Technical Support (Level 3)	\$ 495.00	\$ 495.00
1	Poll Worker Payroll	\$ 4,321.39	\$ 4,321.39
1	Legal Ads and Public Notices	\$ 12,757.83	\$ 12,757.83
1	Polling Location Rental	\$ 150.00	\$ 150.00

SubTotal \$ 28,824.92  
Shipping

Payment Check

Tax Rate(s)

Comments Please return payment to:  
Attention: Jimmy Carment, CPA  
Asst Director, Administration

TOTAL \$ 28,824.92



Please make checks payable to: Dade County Board of County Commissioners

Miami-Dade County Elections Department  
111 NW 1st Street, Suite 1910  
Miami, Florida 33128

Invoice No. DD-080503

# INVOICE

## Customer

Name City of Doral  
Address \_\_\_\_\_  
City \_\_\_\_\_ State FL ZIP \_\_\_\_\_  
Contact \_\_\_\_\_

## Misc

Date 9/25/2003  
Order No. \_\_\_\_\_  
Rep \_\_\_\_\_  
FOB \_\_\_\_\_

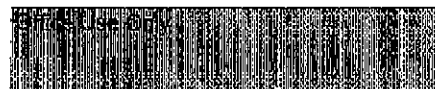
Qty	Description	Unit Price	TOTAL
	Municipal Run-Off Elections 08/05/03		
1	Trucks	\$ 210.00	\$ 210.00
1	Absentee/Provisional Ballot Printing Charges	\$ 287.75	\$ 287.75
461	Absentee Ballot Postage Charges	\$ 0.60	\$ 276.60
3	Precinct Supplies	\$ 25.00	\$ 75.00
1	Ballot Creation/Tabulation	\$ 1,100.00	\$ 1,100.00
1	Labor/Overtime (Election preparation/Election Day)	\$ 2,032.14	\$ 2,032.14
1	Ballot Translation Services	\$ -	\$ -
1	Labor/Overtime (Absentee Ballots)	\$ 273.02	\$ 273.02
1	Poll Worker Payroll	\$ 2,876.28	\$ 2,876.28
1	Legal Ads and Public Notices	\$ 7,217.44	\$ 7,217.44
1	Polling Location Rental	\$ 150.00	\$ 150.00
		SubTotal	\$ 14,498.23
		Shipping	
		TOTAL	\$ 14,498.23

## Payment

Check

Tax Rate(s)

Comments Please return payment to:  
Attention: Jimmy Carmenate, CPA  
Asst Director, Administration



Please make checks payable to: Dade County Board of County Commissioners



Miami-Dade County Elections Department  
111 NW 1st Street, Suite 1910  
Miami, Florida 33128

Invoice No. MG-051303

**INVOICE****Customer**

Name City of Miami Gardens  
Address  
City State FL ZIP  
Contact

**Misc**

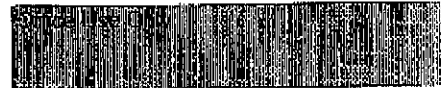
Date 9/25/2003  
Order No.  
Rep  
FOB

Qty	Description	Unit Price	TOTAL
	Charter Question 05/13/2003		
1	Trucks	\$ 1,653.11	\$ 1,653.11
1	Absentee/Provisional Ballot Printing Charges	\$ 436.28	\$ 436.28
745	Absentee Ballot Postage Charges	\$ 0.60	\$ 447.00
31	Precinct Supplies	\$ 25.00	\$ 775.00
1	Ballot Creation/Tabulation	\$ 1,100.00	\$ 1,100.00
1	Labor/Overtime (Election preparation/Election Day)	\$ 27,445.44	\$ 27,445.44
1	Audio WAV Files	\$ 1,020.00	\$ 1,020.00
1	Labor/Overtime (Absentee Ballots)	\$ 37.19	\$ 37.19
1	Poll Worker Payroll	\$ 27,028.09	\$ 27,028.09
1	Polling Location Rental	\$ 2,520.00	\$ 2,520.00
1	Polling Location Telephone Activation	\$ 1,503.36	\$ 1,503.36
1	Legal Ads and Public Notices	\$ 13,425.24	\$ 13,425.24
1	Technical Support (Level 3)	\$ 2,200.00	\$ 2,200.00
SubTotal		\$	79,590.71
Shipping			
Tax Rate(s)			
TOTAL		\$	79,590.71

**Payment** Check

Comments Please return payment to:  
Attention: Jimmy Carmenate, CPA  
Asst Director, Administration

Tax Rate(s)



Please make checks payable to: Dade County Board of County Commissioners

Miami-Dade County Elections Department  
111 NW 1st Street, Suite 1910  
Miami, Florida 33128

Invoice No. MG-062403

# INVOICE

## Customer

Name City of Miami Gardens  
Address \_\_\_\_\_  
City \_\_\_\_\_ State FL ZIP \_\_\_\_\_  
Contact \_\_\_\_\_

## Misc

Date 9/25/2003  
Order No. \_\_\_\_\_  
Rep \_\_\_\_\_  
FOB \_\_\_\_\_

Qty	Description	Unit Price	TOTAL
	Municipal Elections 08/24/03		
1	Trucks	\$ 4,516.85	\$ 4,516.85
1	Absentee/Provisional Ballot Printing Charges	\$ 988.00	\$ 988.00
1,619	Absentee Ballot Postage Charges	\$ 0.60	\$ 971.40
31	Precinct Supplies	\$ 25.00	\$ 775.00
1	Ballot Creation/Tabulation	\$ 1,100.00	\$ 1,100.00
1	Labor/Overtime (Election preparation/Election Day)	\$ 27,445.44	\$ 27,445.44
1	Ballot Translation Services	\$ -	\$ -
1	Labor/Overtime (Absentee Ballots)	\$ 74.38	\$ 74.38
1	Poll Worker Payroll	\$ 36,781.36	\$ 36,781.36
1	Polling Location Rental	\$ 2,520.00	\$ 2,520.00
1	Polling Location Telephone Activation	\$ 1,503.36	\$ 1,503.36
1	Legal Ads and Public Notices	\$ 13,800.24	\$ 13,800.24
		SubTotal	\$ 90,475.83
		Shipping	
		TOTAL	\$ 90,475.83

Payment Check

Tax Rate(s)

Comments Please return payment to:  
Attention: Jimmy Carmenate, CPA  
Asst Director, Administration



Please make checks payable to: Dade County Board of County Commissioners

Miami-Dade County Elections Department  
2700 N.W. 87th Avenue  
Miami, Florida 33172

Invoice No. PB-08312004

**INVOICE****Customer**

Name Village of Palmetto Bay  
Address 8950 SW 152nd Street  
City Palmetto Bay State FL ZIP 33157  
Contact Meighan Pier, Village Clerk (305) 259-1234

**Misc**

Date 9/20/2004  
Order No.  
Rep  
FOB

Qty	Description	Unit Price	TOTAL
1	Elections Coding and Programming	\$1,100.00	\$ 1,100.00
		SubTotal	\$ 1,100.00
		Shipping	
		<b>TOTAL</b>	<b>\$ 1,100.00</b>

**Payment** Check

Comments Please return payment to:  
Attention: Maria Saboya  
Deputy Supervisor of Elections,

Tax Rate(s)

Office Use Only

Please make checks payable to: Dade County Board of County Commissioners

Miami-Dade County Elections Department  
111 NW 1st Street, Suite 1910  
Miami, Florida 33128

Invoice No. MG-072203

# INVOICE

## Customer

Name City of Miami Gardens  
Address \_\_\_\_\_  
City \_\_\_\_\_ State FL ZIP \_\_\_\_\_  
Contact \_\_\_\_\_

## Misc

Date 9/25/2003  
Order No. \_\_\_\_\_  
Rep \_\_\_\_\_  
FOB \_\_\_\_\_

Qty	Description	Unit Price	TOTAL
	Municipal Runn-Off Elections 07/22/03		
1	Trucks	\$ 4,479.93	\$ 4,479.93
1	Absentee/Provisional Ballot Printing Charges	\$ 1,035.78	\$ 1,035.78
1,789	Absentee Ballot Postage Charges	\$ 0.60	\$ 1,073.40
31	Precinct Supplies	\$ 25.00	\$ 775.00
1	Ballot Creation/Tabulation	\$ 1,100.00	\$ 1,100.00
1	Labor/Overtime (Election preparation/Election Day)	\$ 20,998.78	\$ 20,998.78
1	Ballot Translation Services	\$ -	\$ -
1	Labor/Overtime (Absentee Ballots)	\$ 104.22	\$ 104.22
1	Technical Support (Level 3)	\$ 5,005.00	\$ 5,005.00
1	Poll Worker Payroll	\$ 26,319.73	\$ 26,319.73
1	Polling Location Rental	\$ 2,520.00	\$ 2,520.00
1	Polling Location Telephone Activation	\$ 857.92	\$ 857.92
1	Legal Ads and Public Notices	\$ 10,730.04	\$ 10,730.04

SubTotal \$ 74,999.80

Shipping \_\_\_\_\_

Tax Rate(s) \_\_\_\_\_

TOTAL \$ 74,999.80

## Payment

Check

Comments Please return payment to:  
Attention: Jimmy Carmonate, CPA  
Asst Director, Administration



Please make checks payable to: Dade County Board of County Commissioners

**LEGISLATIVE ANALYSIS**

*8E1B – RESOLUTION AUTHORIZING COUNTY MANAGER TO EXECUTE DISASTER RELIEF FUNDING RELATED TO HURRICANE KATRINA.*

Finance Department

*12B3 – REPORT ON EMERGENCY INCOME ASSISTANCE PROGRAM.*

County Manager

**I. SUMMARY**

These two items relate to Miami-Dade County's response to Hurricanes Katrina and Wilma. Specifically:

- **8E1B** – Authorizes the County Manager to execute the Disaster Relief Funding agreement with the State, which is required in order for the county to be reimbursed for expenses incurred due to Hurricane Katrina.
- **12B3** – This report details the requirements of the County's Emergency Income Assistance Program, and compares the program to comparable programs offered by the State and Federal governments.

**II. PRESENT SITUATION**

**8E1B** – In the wake of Hurricane Katrina, and the President's declaration that the storm was a major natural disaster, Miami-Dade County is eligible for reimbursement for costs associated with the August 24th storm. However, prior to receiving funds, the County must execute a disaster relief funding agreement with the State, and the Department of Community Affairs.

According to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share for assistance shall be equal to not less than 75 percent of the eligible costs. It is expected that the remaining costs will be shared by the State and local government, i.e. 12.5% from the state and 12.5% from the county.

**12B3** – Following the devastating effects of Hurricane Wilma, the Board of County Commissioners approved the creation of an Emergency Income Assistance Program, which would aid residents who lost income as a result of the storm. A comparison of the County's Emergency Income Assistance Program and other programs provided by the State and Federal governments is detailed on handwritten pages 3-5 of the report.

**III. POLICY CHANGE AND IMPLICATION**

None.

**IV. ECONOMIC IMPACT**

**8E1B** – The passage of this resolution will eventually result in a positive fiscal gain to the county, as it will allow the County to receive reimbursements for funds spent relating to Hurricane Katrina.

**12B3** – Through R-1284-05, the Board of County Commissioners approved \$1.3 million from the Contingency Reserves for the purpose of providing emergency income assistance to the Miami-Dade County residents affected by Hurricane Wilma.

**V. COMMENTS AND QUESTIONS**

None.

**LEGISLATIVE ANALYSIS**

*8G1A – RESOLUTION AUTHORIZING THE ALLOCATION FO \$2,000,000 FROM SURTAX FUNDS TO TUSCAN PLACE II LIMITED PARTNERSHIP FOR THE TUSCAN VIEW APARTMENTS; AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS.*

*8G1B – RESOLUTION AUTHORIZING THE CORINTHIAN APARTMENTS, LTD. REQUEST TO REDUCE THE TOTAL NUMBER OF UNITS, CHANGE THE UNIT COMPOSITION AND SET HE AWARD AMOUTN OF R-1482-02 AT \$2,500,000 FOR THE CORINTHIAN APARTMENTS DEVELOPMENT; AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS.*

*8G1C – RESOLUTION AUTHOZING THE ALLOCATION OF \$2,500,000 SURTAX FUNDS TO MDHA DEVELOPMENT CORPORATION FOR THE GRAN VIA ELDERLY HOUSING PARK AND RIDE DEVELOPMENT FORMERLY KNOWN AS THE EIGHT STREET ELDERLY HOUSING DEVELOPMENT; AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS.*

*8G1D – RESOLUTION APPROVING PINNACLE PLAZA, LTD. REQUEST TO REDUCE THE TOTAL NUMBER OF UNITS AND CHANGE THE UNIT COMPOSITION FOR T HE PINNACLE PLAZE DEVELOPMENT; AND AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY AGREEMENTS.*

Miami-Dade Housing Agency

**I. SUMMARY**

These resolutions approve the following changes to Surtax-funded projects:

- **8G1A** – Grants an additional \$2 million in Surtax funds to the Tuscan apartment development in District 3.
- **8G1B** – Reduces the total number of units in the Corinthian Apartments Development, and grants the development \$2.5 million in surtax funds. Located in District 2.
- **8G1C** – Grants an additional \$2.5 million in Surtax funds to the Gran Via Elderly Park and Ride development in District 11.
- **8G1D** – Reduces the number of units in Pinnacle Plaza Development.

**II. PRESENT SITUATION**

Surtax funds are low interest loans to developers for projects that will provide housing for low- and moderate-income families and individuals. The program allocates funds for permanent second mortgage financing to developers to produce housing that will assist low and moderate-income applicants in purchasing or renting affordable housing units.

## **BCC ITEM 8G(1)(A), (B), (C), (D)**

**December 6, 2005**

The program requires that 75% of funds allocated to each successful developer are to benefit low-income families (those with income 80% or less of the median family income for Miami-Dade County). The remaining 25% are to be made available to moderate-income families (those with income of up to 140% of the median family income for Miami-Dade County).

Any and all changes to the applicant's original submission for surtax funds must be approved by the Miami-Dade Housing Agency and in some instances may require approval by the Board of County Commissioners.

The awarding of surtax funds is a competitive process and developers must repay the funds.

### **III. POLICY CHANGE AND IMPLICATION**

These items present no policy change to the surtax program.

### **IV. ECONOMIC IMPACT**

Agenda Item No.	Name of Development	Current Surtax Allocation	New Surtax Allocation	Total Surtax Allocation
8G1A	Tuscan View Apartments	\$1,000,000	\$2,000,000	\$3,000,000
8G1B	Corinthian Apartments Development	\$1,000,000	\$2,500,000	\$3,500,000
8G1C	Gran Via Elderly Housing Development	\$2,000,000	\$2,500,000	\$4,500,000
8G1D	Pinnacle Plaza Development	\$1,00,000	n/a	\$1,000,000

### **V. COMMENTS AND QUESTIONS**

- **8G1A** – According to staff, the Tuscan Place II Limited Partnership originally requested \$2,000,000 in 2004 Surtax funds; however, because of budget constraints at the time, the project was only awarded \$1,000,000. Due to increased costs of labor and materials the cost of the project has increased by more than \$3 million.
- **8G1B** – The Corinthian Apartments Development was originally slated to be built as a high-rise apartment building. However, in order to keep the project financially feasible the development was changed to a multi-level garden-style apartment complex. Based on the zoning requirements associated with this change, the builder can only fit a finite number of units on the lot. Originally the number of proposed units was 144. This resolution reduces that number to 126 units. The surtax program does not set a minimum number of units that must be included in a development in order to receive surtax funds.



**BCC ITEM 8G(1)(A), (B), (C), (D)**

**December 6, 2005**

- **8G1D** – A site review of the land for the Pinnacle Plaza Development revealed that only a finite number of units could be built when zoning regulations are taken into consideration. A site review was not conducted prior to the developer being awarded surtax funds, through R-160-05. The site review revealed that only 132 units (not 150) could fit on this land. The surtax program does not set a minimum number of units that must be included in a development in order to receive surtax funds.

**LEGISLATIVE ANALYSIS**

***REQUEST FOR AUTHORIZATION TO EXTEND CONTRACT NO. 317, COMPUTER AIDED DISPATCH (CAD) SYSTEM***

Enterprise Technology Services Department

**I. SUMMARY**

This Resolution requests authorization of a time only extension for Contract No. 317, Motorola/Printrak (Printrak) Computer Aided Dispatch (CAD) System. If approved, this Resolution will provide an extension to Contract No. 317 for the period from December 31, 2005 through March 31, 2006. The extension will allow Printrak the opportunity to negotiate issues associated with pending deliverables.

**II. PRESENT SITUATION**

Subsequent to approval of Contract No. 317 (on December 17, 2002), the County and Printrak have entered into a series of supplemental agreements modifying the terms of the original contract, as follows:

<b><i>Amend. #</i></b>	<b><i>Date</i></b>	<b><i>Value</i></b>	<b><i>Purpose</i></b>
1	6-16-2003	\$150,000	ClientSoft ServiceBuilder Enterprise Software
2	8-11-2003	\$410,000	Additional interface functionality
2A	8-7-2003	\$45,850	Toolkit Training, replacement of 200 hrs removed for CAD
3	8-11-2003	\$72,000	Additional interface functionality
4	9-25-2003	\$0	Schedule changes
5	9-25-2003	\$0	Motorola to provide services and software licenses for TCP
6	11-20-2003	\$102,000	Install interaction Center at Fire HQ
7	11-20-2003	\$92,800	Charges due to schedule delays for Live Cutover date
8	11-20-2003	\$0	Motorola to provide additional iPAQs and SD cards
9	12-22-2003	\$178,564	Supply Deccan CAD Analyst and ADAM products
10	2-27-2004	\$100,000	Charges due to schedule extension for Live Cutover date
11	3-1-2004	\$871,731	Upgrades for switches at Fire HQ
12	5-17-2004	\$80,600	Installation of CSR system in 4 environments
13	5-17-04	\$385,000	CSR v3.9.1 software licenses
14	6-1-2004	\$141,760	Return phones (credit); increase users from 80-100 Avaya
15	6-16-2004	(\$8,633.90)	Credit for parts exchanges
16	8-27-2004	\$0	CSR release 3.10

**BCC ITEM 9(J)1A**  
**December 6, 2005**

17	10-20-2004	\$0	Substitute Article 7 of contract re Notice Requirements
18	1-18-2005	(\$14,560)	Cancellation of Milestone SA-12
19	12-1-2004	(\$37,292)	Credits to Base System Price for monitor changes
20	12-22-2004	\$0	Contract extension to 1-31-2005, to discuss changes
21	1-18-2005	\$0	CSR closeout
22	1-28-2005	\$0	Documents the remaining obligations of contract
23	4-19-2005	\$0	Extension of original contract to December 31, 2005
		<b>\$2,569,818.10</b>	

**III. POLICY CHANGE AND IMPLICATION**

This extension will provide the parties an opportunity to come back to the BCC at a later date with a new supplemental agreement, essentially a new proposal from Printrak after being awarded the initial contract three years ago.

- While the argument can be made that reasonable delays have taken place and a new agreement is needed because of the unforeseeable circumstances associated with providing Miami-Dade County with a high-tech CAD system.
- The argument can also be made that some of the concerns and delays this process has encountered over the last three years should have been resolved in a more expedited fashion.

**IV. ECONOMIC IMPACT**

N/A

**V. COMMENTS AND QUESTIONS**

- What happens if this extension is not granted?
- If the extension is granted, allowing for a new supplemental agreement to come back to the BCC for approval at a later date, when should we anticipate delivery of the product and fruition of this agreement?
- Have the delays encountered during the delivery of this product created any gaps in technology? (Will this Printrak C.A.D. system be considered state-of-the-art when delivered?)

## **LEGISLATIVE ANALYSIS**

*RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION, INCLUDING A JOINT RESOLUTION PROPOSING A CONSTITUTIONAL AMENDMENT IF NECESSARY, TO PROVIDE PROPERTY APPRAISERS STATEWIDE AN ALTERNATIVE ASSESSMENT APPROACH FOR MULTIFAMILY AFFORDABLE HOUSING PROPERTIES*

Commissioner Bruno A. Barreiro

### **I. SUMMARY**

The resolution urges the Florida Legislature to enact legislation, including a constitutional amendment, to provide an alternative assessment approach to multi-family properties.

The recent sharp increases in the value of such properties have forced many landlords to either increase rents above what their tenants can afford, or sell to developers. Under the Florida Constitution, county Property Appraisers are required to assess real property at market value.

### **II. PRESENT SITUATION**

The recent sharp increases in the value of many multi-family residential properties have resulted in correspondingly higher assessed values. The increased values also mean increased ad valorem taxes, which has forced many landlords to either increase rents above what their moderate- or low-income tenants can afford, or sell to developers.

Under Art. VII, Sec. 4, Fla. Const., provides how county Property Appraisers are required to assess real property: "By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation . . ." The section then provides several specific reduced assessments, such as for agricultural lands, water recharge lands, certain recreational lands, Save Our Homes, granny flats, and historic properties. A previous section provides for exemptions for municipal property, widows and widowers, the blind and the disabled, new and expanding businesses, and renewable energy source devices. A subsequent section provides for the Homestead Exemption.

Section 193.011, Fla. Stat., provides the factors that Property Appraisers can consider when deriving the just value, which includes "highest and best use" and income from the property.

### **III. POLICY CHANGE AND IMPLICATION**

The resolution maintains County policies of providing affordable housing opportunities for County residents, and supporting reduced ad valorem taxation for certain properties that merit protection from just valuation.

#### **IV. ECONOMIC IMPACT**

An alternative assessment may reduce the tax burden of owners of certain multi-family residential properties, thus reducing the upward pressure on rents of tenants, including low- and moderate-income tenants.

The reduction in the property tax base will result in the corresponding shift of the tax burden to other property owners.

A cost-benefit analysis may show that it would be more efficient and economical to assess these properties at their market value, and earmark some of the proceeds to affordable housing.

#### **V. COMMENTS AND QUESTIONS**

The alternative assessment could involve allowing a Property Appraiser to rely more on the existing rent of an income-producing property (contract rent), rather than what the income-producing property would command on the open market (market rent).

To qualify for the reduced assessment, the approach could require that rents or tenant income not exceed a certain percentage of the County median rental price or median household income. Such limits would ensure that multi-family residential properties occupied by low- and moderate-income tenants, rather than upper-income tenants, would be assessed at a lower value.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*RESOLUTION URGING THE FLORIDA LEGISLATURE, THE FLORIDA DEPARTMENT OF TRANSPORTATION, FLORIDA'S TURNPIKE ENTERPRISE, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND OTHER PERTINENT STATE DEPARTMENTS TO FUND AND INSTALL GUARDRAILS ON HIGHWAYS ADJOINING CANALS IN HEAVILY-TRAVELED AREAS*

Senator Javier D. Souto

**I. SUMMARY**

This resolution urges the Florida Department of Transportation (FDOT), The Florida Legislature, The Florida Turnpike Enterprise, and the South Florida Water Management District, to erect guardrails or other protective devices along State Roads in Miami-Dade County which are adjacent to, or abut, canals an/or other bodies of water.

**II. PRESENT SITUATION**

The Florida Department of Transportation has criteria established for minimum standards for roadside safety conditions and devices utilized to help prevent injuries from automobile accidents that are a result of automobile leaving the roadway.

The basic standard used is: **A Guardrail should be present if the distance between a roadway and a body of water is less than 60 ft.**

These standards may be adjusted by taking into account the width and slope of a roadside shoulder with reference to an object or body of water, while taking into account the posted speed limit for said road.

Roadside barriers or guardrail installations are utilized when the "Clear Zone" (or space between the road and the body of water) is too small or too steep to regain control of a vehicle that has left the road, prior to hitting an object or entering the body of water.

The Turnpike Enterprise has been aggressively addressing centerline guardrails and barriers as a result of a rising number of automobile accidents involving cars crossing over the center median into oncoming traffic.

On March 22, 2004, the Board of County Commissioners approved Resolution R-647-04, by Commissioner Dennis C. Moss urging the Florida Department of Transportation (FDOT) to erect guardrails along state roads adjacent to bodies of water.

Further, Commissioner Moss' resolution directed the County Manager to study the feasibility of providing protective barriers along all County roads adjacent to bodies of water.

**December 6, 2005**

**III. POLICY CHANGE AND IMPLICATION**

None.

Legislative urgings are consistent with County Policy.

**IV. ECONOMIC IMPACT**

The following is a cost analysis of materials utilized for construction of Florida Department of Transportation (FDOT) approved Roadside Guardrails.

The prices per unit were established via telephone conversation with the Florida Department of Transportation's District 6 Maintenance Division.

**Actual Rail:** Approximately \$18.00 per linear foot.

**Anchoring Posts:** \$2.05 each. (Required every 10 feet.)

**End Assembly:** \$3,700 each.

For example:

A 50 ft. section of guardrail, meeting FDOT certified standards, with an End Assembly at each end would cost approximately \$8,350.

This cost estimate is for materials only.

**V. COMMENTS AND QUESTIONS**

According to the Florida Highway Patrol, less than one half of one percent of all automobile accidents involve cars entering bodies of water.

**LEGISLATIVE ANALYSIS**

*RESOLUTION AUTHORIZING SETTLEMENT OF LAWSUIT INVOLVING  
SOUTHEASTERN ENGINEERING CONTRACTORS, INC. FOR CLAIMS ARISING OUT  
OF MIAMI-DADE PUBLIC WORKS PROJECT NO. 663013 (TA97-MR10-3)*

County Attorney

**I. SUMMARY**

The County Attorney recommends approval of a settlement agreement to resolve all disputes and claims related to lawsuit filed by Southeastern Engineering Contractors, Inc., (Southeastern) against Miami-Dade County (Case No. 2003-26415).

**II. PRESENT SITUATION**

The aforementioned project consisted of the construction of approximately 1.8 miles of a four lane roadway with painted median, turn lanes, including storm drainage systems, curbs and gutters, sidewalks, roadway lighting, pavement markings and signage and signalization. The total awarded contract amount of the project was **\$4,349,424.96**. The project's original completion date was delayed due to inclement weather, unknown underground utilities, maintenance of traffic, relocation of meter boxes and fire hydrants, among other problems. The contract time for completion was extended by unilateral change orders providing non-compensable extensions for time Public Works Department (PWD) believed Southeastern was entitled to obtain.

Original End Date: 5/26/2002  
Revised End Date: 12/7/2002  
Subst. Completion: 2/25/2003

Southeastern's lawsuit demands payment from the County in the amount of \$1,373,812.62 in costs and damages for changes in the project (site conditions, work performed, etc), compensable time due to delay, and unpaid contract balance (County withheld as liquidated damages). Public Works' initial assessment of Southeastern's claim is shown below.

	Southeastern	Public Works
Unpaid Contract Balance	\$263,845.16	\$246,639.76
Cost/Damages for changes	\$375,996.16	\$0.00
Delay Claim	\$733,971.30	\$0.00
Total	<b>\$1,373,812.62</b>	<b>\$246,639.76</b>

The case went to mediation and no settlement was reached. Trial was scheduled for late November; however, a week before trial both parties reached a proposed settlement in the amount of **\$750,000**.



**BCC ITEM 13(A)(2)****December 6, 2005****III. POLICY CHANGE AND IMPLICATION**

If adopted, this settlement will resolve all disputes and claims without the need for a jury trial.

**IV. ECONOMIC IMPACT**

If the proposed resolution is approved by the Board, the County will be responsible for payment in the amount **\$750,000** to Southeastern. Payment of the settlement amount plus the amount paid to date will not exceed the total contract amount.

Total Contract Amount	\$4,349,424.96
Amount Paid to Date	-\$3,468,609.61
Proposed Settlement	-\$750,000.00
Balance	\$130,815.35

**V. COMMENTS AND QUESTIONS**

If the settlement is not approved and Southeastern prevails at trial -- the County could be liable for an amount up to the \$1,373,812.62 claim, interest (two years), attorney's fees, and the County's own trial defense cost. Should the County prevail -- the County's liability may arguably be limited to the unpaid contract balance of \$263,845.16.

PWD reports that Southeastern's quality of work performed for this project was satisfactory.

Southeastern filed a separate lawsuit (Case # 2005-20307 CA-01) related to Project No. S-746B -- Installation of 24-Inch and 20-Inch Force Main From SW 90th Street and SW 69th Court to Pump Station 177.

<u>Contract</u>	<u>Name</u>	<u>Contractor</u>	<u>Estimated Completion Date</u>	<u>Total Award</u>	<u>% Complete / Status</u>
<u>S-746B</u>	Installation of 24-Inch and 20- Inch Force Main From	Southeastern Engineering Contractor	4/13/2003	\$1,077,280	100% / Work Complete: <b>Pending Claim</b>

Source: Capital Improvements Information Systems

Information regarding other Southeastern projects is provided as Attachment 1.

## Southeastern Engineering Contractors, Inc.

<u>DPT</u>	<u>Contract</u>	<u>Name</u>	<u>Estimated Completion Date</u>	<u>Total Award</u>	<u>% Complete / Status</u>
DE	<a href="#">630153Q</a>	Quality Neighborhoods Improvement Program (QNIP) Drainage Contract No. 7 for DERM	2/19/2002	\$1,250,000	100% / Complete
PW	<a href="#">630156Q</a>	Quality Neighborhoods Improvement Program (QNIP) Kendall Point Stormwater Utility Improvements (DERM)	5/29/2002	\$1,000,000	100% / Closed
PW	<a href="#">630157Q</a>	Metrorail Extension to the Palmetto Expressway and Multi- Modal Facility Access Roads	N/A	\$678,671	100% / Closed
PW	<a href="#">663013</a>	NW 110th Avenue from NW 14th Street to NW 25th Street to NW 25th Street	12/8/2002	\$4,349,425	100% / Complete
PW	<a href="#">671134</a>	Arch Creek Estates Capital Improvement Drainage Project Phases 1, 2, and 3	N/A	\$2,258,375	100% / Closed
PW	<a href="#">693127Q</a>	Arch Creek Estates Capital Improvement Drainage Project Phases 1, 2, and 3	9/23/1901	\$4,276,655	95% / On Schedule
PW	<a href="#">693127Q (DERM)</a>	Multiple Award Indefinite Quantity Contract for Storm Drainage and Paving	N/A	\$4,276,655	0% / N/A
DE	<a href="#">CF002214</a>	Installation of 48-Inch, 36-Inch, and 24-Inch Force Main From SW 96th Street and SW 79th Avenue to SW 69th Court and SW 90th Street	1/26/2006	\$8,000,000	70% / On Schedule
WS	<a href="#">S-746A</a>	Installation of 24-Inch and 20-Inch Force Main From SW 90th Street and SW 69th Court to Pump Station 177	3/2/2004	\$1,348,784	100% / Complete
WS	<a href="#">S-746B</a>	Northside Utilities and Drainage Package IV-C	4/13/2003	\$1,077,280	100% / Work Complete: Pending Claim
AV	<a href="#">Z194L</a>	Quality Neighborhoods Improvement Program (QNIP) Drainage Contract No. 7 for DERM	2/11/2003	\$1,715,544	0% / N/A
				<b>\$30,231,389</b>	

## ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
7(A)	<ul style="list-style-type: none"> <li>Ordinance: Boundary Changes for the City of Sweetwater, Florida</li> </ul>	<ul style="list-style-type: none"> <li>On November 1, 2005, the BCC adopted Ordinance 05-192 temporarily suspending consideration of certain Incorporation and Annexation proposals until receipt of a pending County Manager's report.</li> <li><b>Item 7A will <u>not</u> be affected by the Incorporation/Annexation Suspension Ordinance.</b></li> <li>On September 8, 2005, the BCC adopted Ordinance R-1051-05 directing the County Manager to provide a study on Incorporation and Annexation within 120 days (January 2006).</li> <li>The Incorporation and Annexation division within OSBM has provided a staff report for the proposed boundary changes and they have reported that this annexation will be revenue neutral with no negative impact to the UMSA and a net gain of approximately \$401,797.</li> <li>See Attachment A: Sweetwater Annexation Estimated Impact on UMSA Budget (Provided by the Incorporation &amp; Annexation Services in OSBM)</li> </ul>
8(R)1A	<ul style="list-style-type: none"> <li>Resolution: Authorizing Acquisition/Construction of Regional Pump Station CP-A</li> </ul>	<ol style="list-style-type: none"> <li>How many wastewater pumps does Miami-Dade County currently have? <i>The County owns, operates and maintains a total of 992 Pump Stations.</i></li> <li>Where are the wastewater pumps located (street address and district) and what areas do they individually</li> </ol>

		<p>serve?</p> <p><i>The pump stations are located throughout the Department's sewer service area which includes UMSA and certain municipalities. Within WASD's service area, there are typically 4 pump stations per square mile.</i></p> <p><i>(Due to security reasons specific information may only be provided on an as needed basis.)</i></p> <p>3. Realizing the expense for the construction of the pump station and the initial acquisition of property will be reimbursed to the County by connect fees. What is the initial expense (financial front) to the County for this pump station?</p> <p><i>Estimated costs total \$59,760,000 including the pump station and associated piping.</i></p>
--	--	---

## Sweetwater Annexation Estimated Impact on UMSA Budget

Based on FY 04-05 Budget	Assumptions	
<b>2004 Taxable Property Rolls</b>		\$669,219,418
<b>2000 Census Population</b>		11,016
<b>2003-04 UMSA Millage</b>		2.447
<b>Police Calls for Service for 2004</b>		8,718
<b>Cost per Police Call</b>		\$304
<b>Cost per Lane Mile</b>		\$1,040
<b>Number of Lane Miles</b>		24.3
<b>Per Capita Taxable Value</b>		\$60,750
<b>Gross Revenue Loss to UMSA</b>		
<b>Property Tax Revenue</b>	<i>Allocation based on tax roll &amp; millage</i>	\$1,556,000
<b>Franchise Fees</b>	<i>Kept by County</i>	
<b>Sales Tax</b>	<i>Allocation based on \$55.37 per person</i>	\$610,000
<b>Utility Taxes</b>	<i>Kept by County</i>	
<b>Communications Tax</b>	<i>Allocated based on tax roll/population</i>	\$517,000
<b>Alcoholic Beverage License</b>	<i>Allocation based on \$0.26 per person</i>	\$3,000
<b>Occupational License</b>	<i>Allocation based on \$3.67 per person</i>	\$40,000
<b>Interest</b>	<i>Allocation based on .33% of all revenues</i>	\$9,000
<b>Miscellaneous Revenues</b>	<i>Allocation based on \$0.58 per person</i>	\$8,000
<b>Gross Revenue to UMSA</b>		\$2,743,000
<b>Cost of Providing UMSA Services</b>		
<b>Police Department</b>	<i>Based on police calls</i>	
	<i>Local Patrol</i>	\$2,090,817
	<i>Specialized &amp; Other</i>	\$555,787
<b>Parks and Recreation Dept</b>	<i>Based on cost of parks</i>	\$0
<b>Public Works</b>		
<b>Lane Road Miles</b>	<i>Lane miles times cost per lane mile</i>	\$25,272
<b>Planning, Team Metro and others</b>	<i>Direct cost times 10.5%</i>	\$280,547
<b>QNIP (Debt and pay-as you-go)</b>	<i>Utility Taxes as a % of debt service 14.4%</i>	\$0
<b>Policy Formulation/Internal Support</b>	<i>Direct cost times 7.2%</i>	\$192,375
<b>Cost of Providing UMSA Services</b>		\$3,144,797
<b>Net Budget Gain to UMSA</b>		(\$401,797)
17-May-05		
Assumptions:		
1. Does not include gas tax funded projects		
2. Does not include canal maintenance revenues or expenses		
3. Does not include proprietary activities: Building, Zoning, Solid Waste		
4. Does not include Fire and Library Districts		
5. Does not include stormwater utility bond debt service		
5. Revenues are based on allocations not actuals		
<b>Franchise Fees kept by County</b>		\$387,000
<b>Utility Taxes kept by County</b>		\$754,000

ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
7(G)	ITC Changes	<ul style="list-style-type: none"><li>• The County Manager shall no longer appoint the Chairperson of the ITC;</li><li>• The Chairperson of the BCC will now appoint the Chair of the ITC who must be a member of the BCC; BCC Chair will also appoint the ITC Vice-Chair who must be a well respected member of the business community;</li><li>• The Mayor will appoint three (3) voting members to the ITC; <i>(previously 5)</i></li><li>• Each member of the BCC will appoint one (1) voting member to the ITC; <i>(previously the ITC Chair appointed 7 voting members to the ITC with the ITC board's approval)</i></li><li>• ITC members shall serve without compensation; <i>(Previously they were entitled to reimbursement for necessary expenses)</i></li><li>• ITC shall elect one of its voting members as Secretary &amp; Treasurer;</li><li>• Serve two (2) year terms from time of appointment, may be re-appointed for two (2) additional two (2) year terms at conclusion of their first term;</li><li>• The Executive Director shall be appointed by the BCC; <i>(Previously by the Mayor)</i></li><li>• ITC shall have power to remove the Executive Director subject to ratification by the BCC;</li><li>• ITC shall submit a quarterly report to the BCC detailing their activities and goals, as well as, an oral report before the Commssion at least twice a year.</li></ul>